

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD PHILLIP MCKENNA,

No. 2:22-cv-01294-KJM-CKD P

Plaintiff,

ORDER

T. CISNEROS, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Currently pending before the court is plaintiff's first amended complaint along with several additional motions filed by plaintiff.

On October 25, 2022, the court dismissed plaintiff's original complaint and granted him leave to amend. ECF No. 26. However, the court limited any amended complaint to no more than 25 pages in length based on plaintiff's voluminous and repetitive filings. ECF No. 26 at 11-12. Since the screening order was issued, plaintiff has filed three additional motions for a temporary restraining order, two sets of Objections to the Findings and Recommendations, a motion for an extension of time, a motion to exceed the court-ordered page limitation, and a 63 page first amended complaint. ECF Nos. 29-35, 37.

Plaintiff seeks an extension of time to file an amended complaint based on his inability to obtain photocopies and additional paper while incarcerated. ECF No. 32. Approximately a week later, plaintiff filed a first amended complaint along with a motion to exceed the page limitation

1 indicating that he was “trying to keep it as close to 25 pages as possible.” ECF No. 34 at 1.
2 However, plaintiff’s first amended complaint more than doubled the court-ordered page
3 limitation. See ECF No. 33.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff’s first amended complaint (ECF No. 33) is stricken from the docket as filed
6 in violation of this court’s October 25, 2022 court order.
- 7 2. Plaintiff’s motion for an extension of time to file an amended complaint (ECF No. 32)
8 is granted.
- 9 3. Plaintiff’s motion to exceed the court-ordered page limitation (ECF No. 34) is denied.
- 10 4. Within 30 days from the date of this order, plaintiff may file a first amended complaint
11 **not to exceed 25 pages in length** that complies with the requirements of the Civil
12 Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice. The
13 amended complaint must bear the docket number assigned this case and must be
14 labeled “Amended Complaint.”
- 15 5. Plaintiff’s failure to file the amended complaint within the time provided or to follow
16 the court’s page limitation will result in a recommendation that this action be
17 dismissed for failure to comply with a court order. See Fed. R. Civ. P. 41(b).

18 Dated: January 3, 2023


19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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